

REMARKS

In the Office Action dated June 17, 2003, claims 1-13 and 15-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gil et al. Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Gil et al., further in view of Cantu et al.

Applicants note with appreciation the interview that was courteously afforded the undersigned counsel for the Applicants on September 11, 2003, wherein the Examiner's supervisor also was present. Applicants' reasons for traversing the above rejections, as set forth below, were discussed at the interview, as were the claim amendments that have been made herein.

As extensively discussed in Applicants' previous response, the subject matter disclosed and claimed in the present application is directed to a method and apparatus for processing postal matter which allow a user to mail a postal item, intended to be sent by a governmental mail carrier (in the United States, the USPS), but which avoid the need for elaborate and expensive security measures at the deposit location. For mailing an item via a governmental carrier, unlike the case for private carriers, payment for the postage must be made at the time the item enters the governmental carrier system. Such payment can occur on site, such as by affixing postage stamps or a label printed by a franking machine, or by some type of pre-arranged debiting system between the governmental carrier and the party mailing the item, or by using the credit card of the person mailing the item. In the first instance, wherein postage stamps or a printed label are affixed to the item to be mailed, this would require such stamps, or a postage meter, to be present at the

deposit location. This, in turn, would require the aforementioned security measures to avoid theft or tampering.

The method and apparatus of the present invention solve the aforementioned problem by allowing a person wishing to mail an item via a governmental carrier to deposit the item at a first location, which need not have any physical association with the governmental carrier, and which need not be secured, with only a marking indicating the proper postage value being placed on the item at that location. The item is then transported from the deposit location to a location operated by governmental carrier, which therefore is a secure location, and the actual franking imprint is placed on the item only at that second location. The proper postage to be placed on the item at the second location is determined by means of the marking that was placed on the item at the first location. Therefore, the marking that is placed on the item at the first location is not a governmentally approved franking marking, i.e., it would not be sufficient to allow the item to be mailed, for example, if deposited in a conventional mailbox.

Independent claims 1 and 9, as amended in Applicants' previous response, referred to the mark placed on the item at the first location as being "not approved for franking" and the mark placed on the item at the second location as being "approved for franking." As discussed at the interview, Applicants are using the term "franking" in the claims and in the present specification in accordance with its normal dictionary meaning. This normal dictionary meaning encompasses the requirement for governmental approval, or meeting governmental mailing requirements, such as postage. To demonstrate this normal dictionary meaning, submitted herewith is a copy of page 489 from Webster's Ninth New Collegiate Dictionary, wherein the term

"frank" is defined as "the signature of the sender on a piece of franked mail serving in place of a postage stamp" or "a mark or stamp on a piece of mail indicating postage." A copy of page 919 from the same dictionary is also submitted herewith wherein, in turn, the term "postage" is defined as "the fee for postal service." Only mail transported via a governmental carrier requires "postage." Items transported by private carriers, such as Federal Express and UPS, do not use the term "postage" in any of their documentation, but simply refer to a "fee."

Therefore, by using the terms "approved for franking" and "not approved for franking" in claims 1 and 9, Applicants submit that the limitation of governmental approval (or non-approval) is already embodied in the meaning of the claims by virtue of being encompassed within the meaning of the word "franking." Nevertheless, it was agreed at the interview that claims 1 and 9 would be specifically amended to refer to governmental approval (or non-approval) so as to even further distinguish those claims from a generic type of marking that might be made for inter-office purposes to designate a cost center, for example.

As discussed at the interview, and as set forth in Applicants' previous response, the Gil et al. reference, to the extent that it pertains to mailing using a governmental carrier such as the USPS, operates in the conventional manner of providing a postage meter for use if the person mailing an item selects the UPS as the carrier. It is true that in the Gil et al. reference, if the person depositing the item selects a private carrier, such as Federal Express or USPS, a marking can be made on the item at the time it is deposited which must later be machine-read in order for the proper fee to be associated with the item. For the reasons discussed above,

these procedures relating to private carriers do not pertain to the subject matter of claim 1, because they do not involve "franking."

The Gil et al reference clearly distinguishes between mailing using a governmental carrier such as the USPS and transmittal of an item via a private carrier. In the paragraph beginning at column 2, line 4, for example, it is specifically stated that it is desirable to have a system that includes a single postage meter that is capable of printing a stamp directly on a letter as well as dispense a postage meter strip for subsequent affixation to a package or letter. In the immediately following paragraph, this situation is distinguished with the situation pertaining to private carriers, such as UPS and Federal Express, wherein a tracking bar code can be placed on the item.

Consistently, in the paragraph beginning at column 15, line 45, Gil et al again state that if the deposit location is intended to have the capability of allowing an item to be shipped via the USPS, it must include a postage meter. Gil et al teach that the postage meter need not be present, however, if this is the case the customer does not have the option of selecting the USPS as the carrier.

In the Office Action and at the interview, the Examiner questioned whether commercial mailing services, such as Mail Boxes, Inc., provide a service comparable to that set forth in the claims, if the customer selects the USPS as the carrier. At the interview, counsel stated he had not believed that under any circumstances the USPS would permit an item to enter its system for which postage was not already paid, unlike the case of a private carrier which permits after-shipping payment. Following the interview, the undersigned counsel visited the Mail Boxes, Inc. facility located in Crystal City below Crystal Plaza 2. The clerk confirmed that if a customer

submits an item that the customer wants to be mailed via the USPS, proper postage is affixed to the item at the Mail Boxes, Inc. facility, either in the form of postage stamps or a label printed by a postage meter. Thus, any item deposited with Mail Boxes, Inc. which is to be transmitted by the USPS is affixed with proper postage before it ever leaves the deposit location.

Since the Gil et al reference explicitly teaches using a postage meter, if a customer selects a governmental carrier to transmit the deposited item, the subject matter of independent claims 1 and 9 would not have been obvious to a person of ordinary skill in the art based on the teachings of Gil et al. Claims 2-8 add further steps to the non-obvious method of claim 1, and claims 10-13 and 15-17 add further components to the non-obvious combination of claim 9, and therefore would not have been obvious to a person of ordinary skill in the art for the same reasons discussed above in connection with claims 1 and 9.

With regard to claim 14, the Examiner relied on the Cantu reference as teaching a solar powered display module. Applicants do not disagree with the Examiner's statements regarding the teachings of Cantu et al, but for the reasons discussed above, Applicants submit that even if the apparatus disclosed in the Gil et al reference were modified in accordance with the teachings of Cantu et al, the subject matter of claim 14, which embodies the subject matter of claim 9 therein, still would not result.

All claims of the application are therefore submitted to be in condition for allowance.

Entry of the present Amendment after the final rejection is submitted to be proper because, as discussed above, Applicants have merely amended independent

claims 1 and 9 to explicitly include language which is already encompassed by the term "franking." Therefore, the present Amendment does not raise any new issues requiring further searching or consideration, and entry of the present Amendment is therefore respectfully requested.

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WEBSTER'S
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chiefly Scot (15c): a

it., fireplace, fr. ML
m or lobby esp. of a

ore at BROTHER (ca.
e name of an Italian
-a-saz) or Brit frac-
to shatter (1727): a

EN
ction-, fractio act of
nure at BREAK (14c)
indicating the quo-
: FRAGMENT. (2): a
3: one of several

on
lating to, or being a
3: of, relating to, or
involving a process for
ences in physical or
ly ~-ē adv

denominations of less
urrency in denomina-

d; -izing (1924): to
ation \frak-shnə-lə-

) 1: to separate (as
or break up — frac-
(\frak-shə-nāt-ər) n
us (1725) 1: tend-
IE. IRRITABLE — frac-

fr. fractus (15c) 1
being broken; specifi-
pture (as by tearing)
ring: BREAK. 3: the
mineral

ure (1612) 1. a.: to
URE. TEAR. 2. a.: to
: great disorder in c
e limits of (as rules)
diaprops — Goodman

frae \('frā prep [ME (northern) fra, frae, fr. ON frā; akin to OE fram
from] Scot (1700): FROM

frag-ile \('frā-jəl, -jil adj [MF, fr. L fragilis — more at FRAIL] (1607) 1
a: easily broken or destroyed: FRAIL b: constitutionally delicate
: lacking in physical vigor 2: TENUOUS, SLIGHT — frag-ili-ty \('frā-jil-
-i-tē n

syn FRAGILE, FRANGIBLE, BRITTLE, CRISP, FRIABLE mean breaking easily.
FRAGILE implies extreme delicacy of material or construction and need
for careful handling; FRANGIBLE implies susceptibility to being broken
without implying weakness or delicacy; BRITTLE implies hardness to-
gether with lack of elasticity or flexibility or toughness; CRISP implies a
firmness and brittleness desirable esp. in some foods; FRIABLE applies
to substances that are easily crumbled or pulverized.

frag-ment \('frā-mənt n [ME, fr. L fragmentum, fr. frangere to break
— more at BREAK] (15c): a part broken off, detached, or incomplete

syn see PART
frag-ment \('frā-mənt, -ment adj (1818): FRAGMENTIZE
frag-men-tal \('frā-mənt-əl adj (1798): FRAGMENTARY — frag-men-tal-
ly \('frā-mənt-əl adv

frag-men-tary \('frā-mən-ter-ē adj (1611): consisting of fragments
: INCOMPLETE — frag-men-tari-ly \('frā-mən-ter-ə-lē adv — frag-men-
tari-ness \('frā-mən-ter-ē-nəs n

frag-men-tate \('frā-mən-tāt v b -tat-ed; -tat-ing (1945): FRAGMENTIZE
— frag-men-tation \('frā-mən-tā-shən, -men- n
fragmentation bomb n (1918): a bomb or shell whose relatively thick
casing is splintered upon explosion and thrown in fragments in all
directions

frag-men-tize \('frā-mən-tīz v b -tized; -tizing v i (1815): to break up
or apart into fragments ~ v i: to fall to pieces — frag-men-tiz-er n
frang-ence \('frā-grən(t)s n (1667) 1: the quality or state of having a
sweet odor 2: a sweet or delicate odor (as of fresh flowers, pine
trees, or perfume) b: something (as a perfume) compounded to give
off a sweet or pleasant odor

syn FRAGRANCE, PERFUME, SCENT, INCENSE, REDOLENCE mean a sweet or
pleasant odor. FRAGRANCE suggests the odors of flowers or other
growing things. PERFUME may suggest a stronger or heavier odor and
applies esp. to a prepared or synthetic liquid. SCENT is very close to
PERFUME but of wider application because more neutral in connota-
tion. INCENSE applies to the smoke from burning spices and gums and
suggests an esp. pleasing odor. REDOLENCE implies a mixture of frag-
rant or pungent odors.

frang-en-cy \('grān-sē n (1578): FRAGRANCE
frag-rant \('frā-grānt adj [ME, fr. L fragrant, fragrans, fr. prp. of fra-
grare to be fragrant; akin to MHG bræhen to smell] (15c): marked by
fragrance syn see ODOROUS — frag-rant-ly adv

frail \('frā(ə)l adj [ME, fr. MF fraile, fr. L fragilis fragile, fr. frangere
(14c) 1: easily led into evil (~ humanity) 2: easily broken or de-
stroyed: FRAGILE 3: a: physically weak b: SLIGHT, UNSUBSTANTIAL
syn see WEAK — frail-ly \('frā(ə)l-ē adv — frail-ness n
frail-ty \('frā(ə)l-ē n, pl frailties (14c) 1: the quality or state of being
frail 2: a fault due to weakness esp. of moral character syn see
FAULT

frail-ty \('frāz n [F] (1775): an obstacle of pointed stakes driven into the
ramparts of a fortification in a horizontal or inclined position
Frak-tur \('frāk-tu(ə)r n [G, fr. L fractura fracture] (1904) 1: a Ger-
man style of black letter 2: often not cap: a piece of very decorative
calligraphy done in a traditional Pennsylvania Dutch style
fram-able or frame-able \('frā-mə-bəl adj (1577): capable of being
framed

fram-be-sia \('frām-bē-zh(ē)-sə n [NL, fr. F framboise raspberry; fr. the
appearance of the lesions] (1803): YAWS

frame \('frām v b framed; framing [ME framen to benefit, construct, fr.
OE framian to benefit, make progress; akin to ON fram forward, OE
fram from] vi (bef. 12c) 1: to proceed, proceed, GO 2: to manage ~
v i 1: a: PLAN, CONTRIVE (framed a new method of achieving their
purpose) b: to give expression to: FORMULATE c: to construct by fitting
and uniting the parts of the skeleton of (a structure) 5: to enclose in a
frame; also: to enclose as if in a frame 6: a: to devise falsely (as a
criminal charge) b: to contrive the evidence against (an innocent
man) so that a verdict of guilty is assured: c: to prearrange (as a con-
test) so that a particular outcome is assured — fram-er n

frame n (14c) 1: a: something composed of parts fitted together and
united b: the physical makeup of an animal and esp. a human body
: PHYSIQUE FIGURE 2: a: the constructional system that gives shape
or strength (as to a building); also: a frame dwelling b: such a skele-
ton not filled in or covered 3: a: an open case or structure made for
admitting, enclosing, or supporting something (a window ~) b: a
machine built upon or within a framework (a spinning ~) c: a struc-
tural unit in an automobile chassis supported on the axles and support-
ing the rest of the chassis and the body d (1): a part of a pair of
glasses that holds one of the lenses (2) pl: that part of a pair of
glasses other than the lenses 4: obs: the act or manner of framing 5
: a particular state or disposition (as of the mind): MOOD 6: a: an
enclosing border b: the matter or area enclosed in such a border: as
(1): one of the squares in which scores for each round are recorded (as
in bowling); also: a round in bowling. (2): an individual drawing in a
comic strip usu. enclosed by a bordering line (3): one picture of the
series on a length of motion-picture or other film (4): a complete
image being transmitted by television c: an inning in baseball d: a
limiting, typical, or esp. appropriate set of circumstances (studies made
within the ~ of our society and culture) e: an event that forms the
background for the action of a novel or play 7: FRAME-UP 8: a mini-
mal unit of instruction or stimulus in a programmed instruction rou-
tine

frame adj (1775): having a wood frame (~ houses)
frame of reference (1897) 1: an arbitrary set of axes with reference to
which the position or motion of something is described or physical
laws are formulated 2: a set or system (as of facts or ideas) serving to
orient or give particular meaning: VIEWPOINT THEORY
frame-shift \('frām-shift adj (1967): relating to, being, or causing a
mutation in which a number of nucleotides not divisible by three is

inserted or deleted so that some triplet codons are read incorrectly
during genetic translation — frameshift n

frame-up \('frā-məp n (1900) 1: an act or series of actions in which
someone is framed 2: an action that is framed

frame-work \('frām-wərk n (1644) 1: a: a skeletal, openwork, or
structural frame b: a basic structure (as of ideas) 2: FRAME OF REF-
ERENCE 3: the larger branches of a tree that determine its shape

framework v i (1945): to graft scions of another variety on the frame-
work of (a tree)

fram-ing \('frā-mīn n (15c): FRAME, FRAMEWORK

franc \('frānk n [F] (14c) — see MONEY table

fran-chise \('frān-chīz n [ME, fr. MF, fr. franchir to free, fr. OF franc
free — more at FRANK] (14c) 1: freedom or immunity from some
burden or restriction vested in a person or group 2: a: a special priv-
ilege granted to an individual or group; esp: the right to be and ex-
ercise the powers of a corporation b: a constitutional or statutory right
or privilege; esp: the right to vote c (1): the right or license granted
to an individual or group to market a company's goods or services in a
particular territory (2): the territory involved in such a right

franchise v i fran-chised; fran-chising (14c) 1: archaic: FREE 2: to
grant a franchise to

fran-chi-see \('frān-chī-zē, -chə- n (1954): one that is granted a fran-
chise

fran-chiser \('frān-chī-zər n [in sense 1, fr. franchise; in sense 2, fr.
franchise] (1843) 1: FRANCHISEE 2: FRANCHISOR

fran-chi-sor \('frān-chī-zō(ə)r, -chə- n [franchise + -or] (1967): one
that grants a franchise

Franci-scan \('frān-sis-kən n [ML Franciscus Francis] (1592): a mem-
ber of the Order of Friars Minor founded by St. Francis of Assisi in
1209 and dedicated esp. to preaching, missions, and charities — Fran-
ciscan adj

fran-cium \('frān(t)-sē-əm n [NL, fr. France] (ca. 1946): a radioactive
element of the alkali-metal group discovered as a disintegration prod-
uct of actinium and obtained artificially by the bombardment of tho-
rium with protons — see ELEMENT table

Fran-co \('frān-kə n [ML, fr. Francus Frenchman, fr. LL Frank] 1

: French and (Franco-German) 2: French (Francophile)

Fran-co-Ameri-can \('frān-kō-ə-mer-ə-kən n (1859): an American of

French or esp. French-Canadian descent — Franco-American adj

fran-co-lin \('frān-k(ə)-lən n [F, fr. It francolino] (1653): any of numer-
ous partridges (Francolinus and related genera) of southern Asia and

Africa

Fran-co-phil \('frān-kə-fil or Fran-co-phil \('fil adj (1889): markedly

friendly to France or French culture — Francophile n

Fran-co-phobe \('fōb adj (1891): marked by a fear or strong dislike of

France or French culture or customs — Francophobe n

fran-co-phone \('fōn adj, often cap (1900): consisting of or belonging

to a French-speaking population — Francophone n

franc-ti-teur \('frān-ti-ter, -rər n [F, fr. franc free + tireur shooter] (1808)

: a civilian fighter or sniper

fran-gi-bile \('frān-jə-bəl adj [ME, fr. MF & ML; MF, fr. ML frangibilis,

fr. L frangere to break — more at BREAK] (15c): readily or easily broken

syn see FRAGILE — fran-gi-bil-ity \('frān-jə-bil-ē-tē n

fran-gi-pane \('frān-jə-pān, -frān-zhē-pān n [F, frangipani (perfume),

frangipane, fr. It] (1844): a custard usu. flavored with almonds

fran-gi-pant \('frān-jə-pān-ē, -pān- n, pl -pani or

-panis (modif. of It frangipane, fr. Marquis Muzio Frangipane, 16th

cent. Ital. nobleman] (1616) 1: a perfume derived from or imitating

the odor of the flower of the red jasmine 2: any of several shrubs or

small trees (genus Plumeria) of the dogbane family (as red jasmine)

native to the American tropics but introduced elsewhere

fran-glais \('frān-glā n, often cap [F, blend of français French and anglais

English] (1964): French marked by a considerable number of borrow-
ings from English

frank \('frānk adj [ME, free, fr. OF franc, fr. ML francus, fr. LL Fran-
cus Frank] (1548) 1: marked by free, forthright, and sincere expres-
sion (a ~ reply) 2: clinically evident: UNMISTAKABLE (~ pus) —

frank-ness n

syn FRANK, CANDID, OPEN, PLAIN mean showing willingness to tell what
one feels or thinks. FRANK stresses lack of shyness or secretiveness or
of evasiveness from considerations of tact or expedience. CANDID sug-
gests expression marked by sincerity and honesty esp. in offering un-
welcome criticism or opinion. OPEN implies frankness but suggests
more indiscretion than FRANK and less earnestness than CANDID. PLAIN
suggests outspokenness and freedom from affectation or subtlety in
expression.

frank v i (1708) 1: a: to mark (a piece of mail) with an official signa-
ture or sign indicating the right of the sender to free mailing b: to

mail free c: to affix to (mail) a stamp or a marking indicating the

payment of postage 2: to enable to pass or go freely or easily, —

frank-able \('frān-kə-bəl adj — frank-er n

frank n (1713) 1: a: the signature of the sender on a piece of franked

mail serving in place of a postage stamp b: a mark or stamp on a

piece of mail indicating postage paid c: a franked envelope 2: the

privilege of sending mail free of charge

frank n (1904): FRANKFURTER

Frank \('frānk n [ME, partly fr. OE Franca; partly fr. OF Franc, fr. LL

Francus, of Gmc origin; akin to OHG Franko Frank, OE Franca] (bef.

12c): a member of a West Germanic people that entered the Roman

provinces in A.D. 253, occupied the Netherlands and most of Gaul, and

established themselves along the Rhine

Fran-ken-stein \('frān-kən-stīn also -stēn) n 1: a student of physiology

in Mary W. Shelley's novel Frankenstein whose life is ruined by a mon-
ster he creates 2: a work or agency that ruins its originator 3: a mon-
ster in the shape of a man — Fran-ken-stein-ian \('frān-kən-stī-nē-
ən, -stīn-ē- n adj

\ə' abut \ə' kitten, F table \ər' further \ə' ash \ə' ace \ə' cot, cart

\ə' out \ch' chin \et' bet \e' easy \g' go \i' hit \i' ice \i' job

\j' sing \d' go \o' law \oi' boy \th' thin \th' the \ü' loot \ü' foot

\y' yet \zh' vision \ä, ä, ö, œ, ü, see Guide to Pronunciation

\ə\ about \ʔ\ kitten, F table \ər\ further \ə\ ash \ā\ ace, \ä\ cot, cart
 \au\ out \ch\ chin \e\ bet \ē\ easy \g\ go \i\ hit \ī\ ice \j\ job
 \ŋ\ sing \ō\ go \ó\ law \oi\ boy \th\ thin \t̥h\ the \ü\ loot \ú\ foot
 \y\ yet \zh\ vision \á, k, °; æ, ē, u, ū, ʔ see Guide to Pronunciation

\ə\ about \ʔ\ kitten, F table \ər\ further \ə\ ash \ā\ ace, \ä\ cot, cart
 \au\ out \ch\ chin \e\ bet \ē\ easy \g\ go \i\ hit \ī\ ice \j\ job
 \ŋ\ sing \ō\ go \ó\ law \oi\ boy \th\ thin \t̥h\ the \ü\ loot \ú\ foot
 \y\ yet \zh\ vision \á, k, °; æ, ē, u, ū, ʔ see Guide to Pronunciation